

Appl. No. 10/669,165
Amdt. dated July 25, 2005
Reply to Office action of February 25, 2005

REMARKS/ARGUMENTS

Applicants have received the Office action dated February 25, 2005, in which the Examiner: 1) entered a restriction; 2) rejected claims 1-3 and 6 as allegedly anticipated by McLain (U.S. Pat. No. 4,309,924); 3) rejected claims 1-3 as allegedly anticipated by Mendenhall (U.S. Pat. No. 1,301,958); and 4) rejected claims 4 and 5 as allegedly unpatentable over Mendenhall (U.S. Pat. No. 1,301,958).

With this response, applicant amends claims 1, 4, and 6, cancels claims 7-13, and adds new claims 14-19. Reconsideration is respectfully requested.

I. RESTRICTION REQUIREMENT

Applicant confirms the verbal election, now without traverse, to claims of Group 1, claims 1-6.

II. ART-BASED REJECTIONS

A. Claim 1

Claim 1 stands rejected as allegedly anticipated by McLain, and also as alleged anticipated by Mendenhall. Applicant amends claim 1 to ensure that Section 112, paragraph six, is not invoked, and to correct grammatical deficiencies, and not to define over any cited art.

McLain is directed to a nut and retainer for quick adjustable jaw wrench. (McLain Title). The U-shaped clip of McLain does not appear to bias the nut toward any particular position; but, rather, McLain's U-shaped clip merely holds the nut in position.

Coacting with the nut 24 is a U-shaped retaining clip or spring 30 having arms 32..., which arms 32 springably engage the opposite axial faces of the unit. ... One of the arms 32, in this case the rear arm, has detent ribs 38 pressed inwardly of the U-shaped section of the spring at angularly spaced 90° intervals to bear against the opposing axial face of the nut.

(McLain Col. 1, line 63 through Col. 2, line 6).

The nut 24 has angularly spaced and radially extending detent grooves 40 formed in its axial face opposed to the detents 38 on the spring 30.

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(McClain Col. 2, lines 8-10).

[W]hen the nut 24 is manually rotated into the position shown in FIG. 2 such that gaps 42 are aligned with the jaw threads 26, **in which position the nut is held by the spring detent 38...**

(McClain Col. 2, lines 44-47 (emphasis added)).

By contrast, claim 1 recites "a spring surrounding said nut, said spring biases said nut to a position where the shank of the wrench is locked in place." Applicant respectfully submits that McClain does not teach or fairly suggest such a system. In particular, the action of the arms of the clip of McClain with respect to the nut appears to be limited to holding McClain's nut in a particular position. A teaching of holding the nut in a particular position does not teach or fairly suggest a spring that "biases said nut to a position where the shank of the wrench is locked in place." For this reason, claim 1 should be allowable over McClain.

Mendenhall is directed to a nut and bolt lock (Mendenhall Title). With reference to Mendenhall's Figures 1 and 2, Mendenhall appears to describe a system merely to prevent a common nut or bolt from unscrewing.

[T]he nut and bolt are prevented from unscrewing by a helical spring D having one end D' turned and received in the bolt slot B², and having its opposite end offset and received in a correspondingly located slot C' in the nut C. The spring D is put in place, under tension, and not only resists any tendency of the nut C and bolt D to unscrew, but effects a relative rotation of the nut and screw which will tighten up the structure as a whole if the parts tend to loosen under vibration or wear.

(Mendenhall Page 1, lines 104-110, and Page 2, lines 1-6).

By contrast, claim 1 recites "a nut having threads that matingly engage the shank of the wrench and grooves that allow the shank of the wrench to slide freely through said nut." Applicant respectfully submits that Mendenhall does not teach or fairly suggest such a system. In particular, Mendenhall appears to be directed to locking common nuts and bolts in place, and thus does not teach, suggest or even imply "a nut having threads that matingly engage the shank of the wrench and grooves that allow the shank of the wrench to slide freely through

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said nut." Mendenhall, rather teaches a spring designed to resist any tendency of a nut and bolt to move relative to one another. For this reason, claim 1 should be allowable over Mendenhall.

Based on the foregoing, Applicants respectfully submit that claim 1 and all claims that depend from claim 1 (claims 2-5), should be allowed.

B. Claim 6

Claim 6 stands rejected as allegedly anticipated by McLain. Applicant amends claim 6 to ensure that Section 112, paragraph six, is not invoked, and to correct grammatical deficiencies, and not to define over any cited art.

McLain is directed to a nut and retainer for quick adjustable jaw wrench. (McLain Title). The U-shaped clip of McLain does not appear to bias the nut toward any particular position; but, rather, McLain's U-shaped clip merely holds the nut in position. (McLain Col. 1, line 63 through Col. 2, line 6; Col. 2, lines 8-10; Col. 2, lines 44-47).

By contrast, claim 6 recites "a spring surrounding said nut, said spring biases said nut to a position where said shank is locked in place." Applicant respectfully submits that McClain does not teach or fairly suggest such a system. In particular, the action of the arms of the clip of McLain with respect to the nut appears to be limited to holding McClain's nut in a particular position. A teaching of holding the nut in a particular position does not teach or fairly suggest a spring that "biases said nut to a position where said shank is locked in place."

Based on the foregoing, Applicant respectfully submits that claim 6 should be allowed.

III. NEW CLAIMS

With this Response, Applicant presents new claims 14-18. Applicant respectfully submits that none of the cited art teaches or rendered obvious the limitations of new claims 14-19.

IV. CONCLUSION

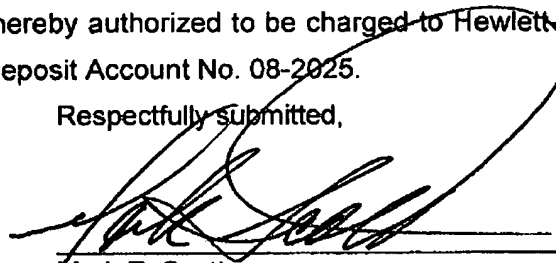
In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that

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the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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